HON'BLE MR JUSTICE A. GOPAL REDDY

-

WRIT PETITION NO.15677 OF 1995

DATE:18.03.2006

Between:

A. Pratap Kumar Reddy

..... PETITIONER

AND

The Balaji Dist. Registrar, Tirupati,

Chittoor District & three others.

.....RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.15677 OF 1995

ORDER:

Petitioner claims to be the purchaser of a flat in the apartments constructed by Sravan Constructions (Pvt.) Ltd. over an extent of 1233 Sq.yds. When the documents were submitted before the fourth respondent for registration of the flat on 8.6.1995, the petitioner was asked to pay the stamp duty for the purchase cost of his flat fixing the price at Rs.500/- per sq.feet, which comes to Rs.4,500/- per sq.yard from 3.4.1995 as per G.O.Ms.No.173, Revenue (Registration.I) Department, dated 31.3.1995, through which, according to the petitioner, the rate per sq.yard has been enhanced from 1300/- to Rs.2600/- only. Since the petitioner was asked to pay Rs.4500/- per sq.yard from 3.4.1995, this writ petition has been filed questioning the legality and validity of the said demand and to declare the action of the respondents in refusing to register the documents, as arbitrary and illegal.

In the counter affidavit filed by the respondents, it is categorically asserted that no document as such was presented on 8.6.1995 for registration of the flat of the petitioner and therefore, the question of refusal of the alleged document for registration does not arise. It is stated the registering authority follows the procedure prescribed under Section 47-A of the Indian Stamp Act and if the registering authority thinks that the property sought to be registered is undervalued in the instrument, it may keep pending such instrument and refer the matter to the Collector for fixing the true and correct market value of such property and property duty payable thereon. Finally, it is stated that since no document has been presented, the

petitioner cannot have any grievance and therefore, sought to dismiss the writ petition.

When the matter was taken up for hearing on 17.3.2006, none appeared for the petitioner and hence, the matter was directed to be listed today under the dismissal caption. Even today, none appeared on behalf of the petitioner though the matter is listed under the dismissal caption. Further, the facts as stated in the counter affidavit have not been rebutted by the petitioner by filing any reply affidavit.

Since it is stated in the counter affidavit that no such document has been presented for registration as alleged by the petitioner, no mandamus can be issued as sought for. However, it is for the petitioner to present the document for registration and if the registering authority refuses to register the same, insist them for referring the matter under Section 47-A of the Indian Stamp Act to the District Collector concerned for fixing the true and correct valuation of the property.

The writ petition is dismissed with the above observation. No costs.

_____

A. GOPAL REDDY, J

18th MARCH, 2006.

Tsr